

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MOSHE ZIEGLER, D.D.S., for itself and  
all others similarly situated,

Plaintiff,

-against-

**MEMORANDUM AND ORDER**

13-CV-02638 (FB) (JMA)

ALLIED COMMERCIAL ROOFING,  
INC.,

Defendant.

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*Appearances:*

*For the Plaintiff:*

MICHAEL KORSINSKY, ESQ.

JOSEPH P. GARLAND, ESQ.

Korsinsky & Klein LLP

2926 Avenue L

Brooklyn, NY 11210

**BLOCK, Senior District Judge:**

On July 10, 2014, Magistrate Judge Azrack issued a Report and Recommendation (“R&R”) recommending that default judgment be entered against defendant in the amount of \$1,600.00, consisting entirely of statutory damages. R&R at 5. The R&R directed plaintiff to serve defendant with a copy of the R&R and provided that defendant’s failure to object within fourteen days of receipt would preclude appellate review. *See id.* Plaintiff served a copy of the R&R on defendant by mail on July 23, 2014. To date, no objections to the R&R have been filed.

If clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without *de novo* review. *See Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure to timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court will excuse the failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000). No such error appears here. Accordingly, the Court adopts the R&R without *de novo* review and directs the Clerk to enter judgment in accordance with the R&R.

**SO ORDERED.**

/S/Frederic Block  
FREDERIC BLOCK  
Senior United States District Judge

Brooklyn, New York  
September 10, 2014